

Division 3. Air Resources Board

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Chapter 13. Voluntary Accelerated Vehicle Retirement Enterprises

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Article 1. Voluntary Accelerated Light-Duty Vehicle Retirement Enterprises

**§ 2608. Records, Auditing, and Enforcement.**

(a) The following requirements for records, auditing, and enforcement shall be met:

(1) An enterprise operator shall be responsible for maintaining and storing the following information for each vehicle removed from operation for the purpose of generating emission reduction credits:

(A) Vehicle Identification Number (VIN);

(B) Vehicle license plate number;

(C) Vehicle model year;

(D) Vehicle odometer reading;

(E) Vehicle make and model;

(F) Name, address and phone number of legal owner selling vehicle to the enterprise operator;

(G) Name, address and phone number of registered owner if different from (F);

(H) Name and business address of inspector conducting the vehicle's eligibility inspection, if the VAVR enterprise operator contracts with an ARB-approved inspection entity to perform the vehicle functional and equipment eligibility inspection;

(I) Date of purchase of vehicle by enterprise operator;

(J) Date of vehicle retirement;

(K) The emission reduction amount claimed per §2607;

(L) Reproductions of California Certificate of Title and registration, as signed-off by seller at time of final sale to the VAVR enterprise;

(M) Reproduction of the applicable certificate of functional and equipment eligibility;

(N) Reproduction of the applicable Report of Vehicle to be Dismantled and Notice of Acquisition (California Department of Motor Vehicles Registration 42 form);

(O) Reproduction of written documentation from the California Department of Motor Vehicles verifying that a vehicle meets the requirements of §2603(a)(2);

(P) If applicable, reproduction of documentation issued pursuant to §2603(a)(6)(B);

(Q) Any other pertinent data requested by the district;

(2) Upon request of the district, the data contained in records required in §2608(a)(1)(A) through (Q) shall be transmitted to the district in an electronic database format, to be determined by mutual agreement between the district and the enterprise operator, in lieu of paper copies;

(3) The enterprise operator will maintain copies of the information listed in §2608(a)(1)(A) through (Q) for a minimum period of time commensurate with the life of the emission reduction credits generated from each vehicle pursuant to §2607, and shall make those records available to the district upon request;

(4) Each district shall be responsible for approving and issuing emission reduction credits generated in accordance with §2607 to VAVR enterprise operators, based on data supplied by each enterprise operator pursuant to §2608(a)(1), §2608(a)(2), and §2608(a)(3). Districts shall not approve and issue emission reduction credits unless a VAVR enterprise operator demonstrates compliance with all applicable provisions in this regulation;

(5) A district shall not approve and issue emission reduction credits for any vehicle retired within sixty-one to ninety (61-90) days of its next required Smog Check inspection until it has verified that the vehicle did not fail its Smog Check inspection during that time frame pursuant to §2602(f). Emission reduction credits shall not be issued for any vehicle failing its Smog Check inspection during the sixty-one to ninety (61-90) day time frame.

(6) VAVR enterprise operators may not make emission reduction credits available for purchase until they are approved and issued by the district.

(7) The district may conduct announced and unannounced audits and on-site inspections of VAVR enterprise operations to ensure that enterprises are being operated according to all applicable rules and regulations. The district shall report the results of any such audits and inspections to the Executive Officer, and shall notify any noncompliant enterprise operator of the nature of the violation and shall initiate any enforcement or remedial action necessary;

(A) Enterprise operators and their subcontractors shall allow the district to conduct announced and unannounced audits and inspections and shall cooperate fully in such situations;

(B) Violation of any provision of these regulations, including falsification of any information or data, shall constitute a citable violation making the violator subject to all applicable penalties specified in the California Health

## **Board Administration and Regulatory Coordination Unit**

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and Safety Code. In addition, violation of any provision of §2603 by a VAVR enterprise operator or its subcontractors shall result in the issuance of a Notice of Violation(s). District approval to generate emission reduction credits shall be revoked if a VAVR enterprise operator demonstrates a recurrent pattern of accepting vehicles that do not meet the eligibility requirements pursuant to §2603 or if a VAVR enterprise operator violates §2608(a)(6);

NOTE: Authority cited: Sections 39600, 39601 and 44101, Health and Safety Code. Reference: Sections 39002, 39003, 43000, 43013, 43016, 44100, 44101, 44102, 44103, 44105, 44106 and 44107, Health and Safety Code.

REFERENCE